NOTICE OF ADJOURNMENT MOTION.

President: I have received notice of the following adjournment motion from Mr. Nedumangad R. Kesavan Nair:

"To discuss a definite matter of urgent public importance, namely, the serious situation created by the order issued by the Trivandrum District Magistrate prohibiting Srimati Kamala Devi an All-India Leader and President elect of the All Travancore Youth Conference from addressing public meetings in the Trivandrum District for a period of 15 days on the ground that she is a member of the All-India Socialist party and on other grounds."

Under Rule 24 of the Legislative Rules on the ground that this motion cannot be discussed without detriment to public interests, I disallow it.

ELECTION TO THE PUBLIC ACCOUNTS COMMITTEE.

President: I have to announce the result of the election held on the 15th August 1938. Mr. R. V. Thomas got 16 votes, and Mr. G. Narayana Aiyar 10 votes.

Mr. R. V. Thomas is declared elected.

ELECTION TO THE STANDING FINANCE COMMITTEE.

President: In the election that took place on the 15th August 1938, Mr. A. Easwara Pillai got 16 votes, and Mr. Mahomed Ismail 10 votes. Mr. Easwara Pillai is declared elected.

LEGISLATIVE BUSINESS.

THE TRIVANDRUM CITY MUNICIPAL BILL.

Mr. Puthupalli S. Krishna Pillai (*Legal Remembrancer*): I beg to move that Sahib Bahadur Hajee Hassan Yakub Sait be nominated a member of the Joint Committee in the place of Mr. M. Abdur Rahiman Sahib.

Mr. K. Madhava Kurup: I second it.

THE TRAVANCORE TRADE DISPUTES BILL.

The motion was put to vote and carried.

Mr. Puthupalli S. Krishna Pillai: Sir, during the course of the discussion on the Travancore Trade Disputes Bill, on a motion that the further consideration of the Bill be postponed, it was postponed; and it has now come up again for consideration by the House. I move that the further consideration of the Bill be now proceeded with.

Mr. K. Madhava Kurup: I second it.

The motion was put to vote and carried.

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Clause 1.

The question that Clause 1 do form part of the Bill was put to vote and carried.

The Clause was added to the Bill.

Clause 2.

Mr. P. N. Krishna Pillai (*Co-opted*): Sir, I have sent up an amendment to Clause 2.

Mr. Puthupalli S. Krishna Pillai: The honourable member seems to refer to an amendment of which he had given notice several months back. It has now lapsed under the Standing orders ; and no fresh notice has been given.

Mr. P. N. Krishna Pillai: I thought the amendment would not lapse, and so did not give fresh notice of it.

President: *Ignoratio legis neminum excusat.* In other words, ignorance of law is no excuse.

The question that Clause 2 do form part of the Bill was put to vote and carried.

The Clause was added to the Bill.

Clause 3.

The question that Clause 3 do form part of the Bill was put to vote and carried.

The Clause was added to the Bill.

Clause 4.

Mr. Kottur Kunjukrishna Pillai (*Quilon* cum *Kunnathur*): Sir, I object to the first amendment, in the list of amendments, proposed to Clause 4 of the Bill. Under Standing Order No. 43, notice of 6 clear days shall be given in respect of amendments. Notice of this amendment has been given only on the 13th of August. Standing Order No. 43 (paragraph 100 of the Manual) lays down :

> "If notice of a proposed amendment has not been given to the Secretary 6 clear days before the sitting of the Council at which the Bill is to be considered, any member may object to the moving of the amendment and such objection shall prevail....."

Therefore, I object to this amendment being taken up for consideration.

President: What has the honourable member got to say on this ?

Mr. P. N. Krishna Pillai: In the letter forwarding my amendments I have stated that I was laid up and that therefore I was able to send those amendments only a day later. In view of that reason, I pray that the House may be pleased to excuse the delay of only one day.

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President: In this case, I would normally have exercised my discretion in favour of moving the amendments. But the position both in regard to the Trade Disputes Bill and the Factories Bill is that the matter has been considered elsewhere at great length and if honourable members have to move amendments again, a piece of legislation very much in the interest of the labouring population of the country will be delayed from coming into operation certainly for about six months, probably for a longer time. All things considered, I think it is my duty to see that the provisions of the Rule are strictly complied with and the amendments will not be considered. I hope that no other honourable member has sent in any amendment.

Clauses 4 to 19.

The question that Clauses 4 to 19 do stand part of the Bill was put and carried and the clauses were added to the Bill.

Preamble.

The question that the Preamble do stand part of the Bill was put and carried and the Preamble was added to the Bill.

Title.

The question that the Title do stand part of the Bill was put and carried and the Title was added to the Bill.

Mr. Puthupalli S. Krishna Pillai: Sir, I beg to move that the Trade Disputes Bill be passed.

Mr. K. Madhava Kurup: I second it.

Mr. P. N. Krishna Pillai: I oppose it. Sir, Even when this Bill was under consideration, I had occasion to express the apprehensions of labour with regard to this piece of legislation which is capable of much mischief at the hands of this Government. Sir, though due to some technical error I was not able to move all my amendments and bring home to this House the pernicious character of the Bill, I submit that the Bill as a whole as passed by this House is quite unacceptable so far as labour is concerned. Sir, after we discussed the Bill on the last occasion, I have had opportunities to know the views of labour on this question. All the labour organisations in this country have expressed a view definitely against this piece of legislation. Sir, it is not only an unnecessary and michievous piece of legislation, but it is capable of gross abuse in the hands of Government which is unsympathetic towards labour interests. Sir, I have made it plain that labourers in this country do not want such a piece of legislation. When this same Bill was introduced in a former session of the Assembly, Mr. K. C. Karunakaran representing the interests of employers said that it was an unwanted piece of legislation. The employers do not want

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such a piece of legislation. The labourers also do not want such a piece of legislation. The public nowhere has demanded such a piece of legislation.

Mr. Kottur Kunjukrishna Pillai: On a point of order, Sir. The motion before the House is that the Bill be passed. I want to know whether the question of the necessity or otherwise of the Bill on the merits is in order, and whether the question as to whether the third reading or the motion that the Bill be passed can be questioned by opposing the motion on the merits.

Mr. Puthupalli S. Krishna Pillai: No member is entitled to question the principle contained in the Bill. As regards the necessity also, it has been accepted by the House and unanimously decided. No further question can arise either on the acceptability of or on the principle contained in the Bill. Any other objection that the member may have, for instance that the Bill should not be passed into law, may be raised, but it must be an opposition to the motion that the Bill be passed. No further discussion can take place.

Mr. M. S. Anirudhan (*Karunagapalli, Karthigapalli and Ambalapuzha* cum *Shertalla*): May I know from the honourable member whether this House can consider at this stage that the Bill be passed or not?

Mr. Puthupalli S. Krishna Pillai: I said that when the motion is that the Bill be passed any member can oppose the motion.

Mr. P. N. Krishna Pillai: I was only adducing grounds why the motion should not be passed.

President: Order, order. This house has, by its precedents, made the position fairly clear on that matter. The precedent relating to the matter are contained at page 71 of the book of precedents.

Precedent 115 reads thus:—

"The question arose whether members could speak on a clause in a Bill even if no amendment is sent up."

"The President ruled."

"Unless there is a definite amendment before the House no member has got the right to speak."

"Then, Mr. A. S. Damodaran Asan said that when the motion that the clause do stand part of the Bill is before the House any member can speak on it. The President then remarked:—

'It is only on an amendment that any member can speak, and when a clause is put, it has only to be voted upon."

"The President again pointed out: "Let me tell Mr. Asan distinctly that it is not the intention of the Chair either to act arbitrarily or to shut out legitimate discussion. This motion, as Mr. Asan will

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[President.]

> clearly understand, is not a motion before the House. It is merely a question put by the Chair, as to whether this clause do form part of the Bill. Those who are in favour of it will certainly say "yes" and those who are against it will say "no". There is not a regular motion before the House. Therefore, Mr. Asan will understand that anything which is not a motion is not open to d scussion."

Honourable members can, of course, vote for or against the motion that the Bill be passed into law. As soon as the second reading is over, the main principle of the Bill is supposed to be accepted. The Select Committee Stage in the case of this Bill has not taken place in this house but the principle of the Bill has been accepted and when the amendments have been ruled out, the honourable house may vote for or against the motion that the Bill be passed into law. But no elaborate discussion on the principle of the Bill is permissible at this stage if there are no appropriate amendments on the tapis.

Mr. P. N. Krishna Pillai: I was adducing reasons to show why I should oppose the Bill.

President: You may adduce reasons which will not take up any of the points of principle arising on the Bill. They may be reasons of procedure, reasons of any faultiness in the manner in which the Bill has been brought up before the House.

Mr. P. N. Krishna Pillai: Sir, I think that in the interests of labour I should oppose the third reading of the Bill in this House. As this Bill was rushed through in this House we had not sufficient opportunity except at this stage to deal with the various matters arising out of the provisions of the Bill. Sir, we the labourers have always demanded for some machinery for conciliation of trade disputes. But that should not be construed as a demand for saddling on us the penal clauses which occur in the Bill after clause 14. Not only that. This Bill has been recently amended by the Central Indian Legislature and those latest amendments of which I had given notice have not been incorporated in this Bill. An amended act has been passed in British India and it has been made up-to-date. Similar amendments are being attempted by the Provincial Legislatures in British India. It has been conceded on all hands that Clauses 15 and 16 of the Bill are pernicious to the interests of any genuine trade union movement. Sir, the trade union movement is in its infant stage in this State and the Trade Union Regulation has come into force only three months back and since then half a dozen trade union organisations have been registered. If this Bill is passed into law, their freedom of action will be fettered; and no sort of genuine trade unionism

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will be possible in this country unless and until this House votes down this Bill. Sir, this is not the attitude that Government ought to take towards an infant movement. No amount of pernicious or oppressive piece of legislation, I may assure the House, will stem the rising tide of trade unionism in this country. This Bill is only an attempt at suppressing genuine trade union activities in the State. Sir, what do the clauses occurring after Clause 14 say ? No strike can a labour organisation resort to in a public utility service without giving fourteen days' notice. That, as I pointed out on a former occasion, will frustrate the object of the strike. We know from our own experience what effect a strike will have if it is resorted to after giving fourteen days' notice. We had tried that on a previous occasion and we know that not only the employers but even the Government who acted as the handmaid of the employers have frustrated the object of the strike. Strikes are the legitimate right.. .....

President: Order, order. Precedent No. 114 at page 71 reads thus:—

> "When the Deputy President said that clause II do form part of the Bill, a member stood up to speak on it.
>
> "The Deputy President Ruled:—It was only a few minutes ago that the President gave a ruling that it would not be right on the part of a member to make any elaborate speech when a clause is put to the vote after the amendments to it are disposed of. I was also more or less of the same view during the last two days. When Mr. Sambasiva Aiyar, the other day, wanted to speak, it was considered even by the official member in charge of the Bill, that Mr. Sambasiva Aiyar might be given an opportunity as a special case; and therefore it was that he was allowed to speak on a former occasion like this. Really he has no *right* to make a speech at this stage."

It is because the honourable member is nominated to represent labour that I am giving him considerable latitude and I am allowing him to make a speech on this occasion. But that does not entitle him to make a long speech or to go into the full policy of this piece of legislation.

Mr. P. N. Krishna Pillai: Sir, what I was attempting to point out was that this piece of legislation will strike at the very root of the infant trade union movement which is being developed in the State. Clause 15, as I pointed out, requires a notice to be given to the employers in a public utility service. If such a notice is given, the strike will be frustrated. Government will also come to the aid of the employer and the employer will be able to counteract the effect of the strike by arranging for other labourers. We had also that experience. It is only to frustrate the beneficial results out of strikes that the provisions of the Bill are intended. Sir, we

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had also other experiences in this State where strikes were resorted to without giving adequate notice and where we have been a little successful. In such cases the authorities came down and said that our demand would be cared for. So, this clause which insists on the giving of 14 days' notice in the case of public utility service is a clause which will enable any employer to be unperturbed by any strike.

Strike is a legitimate weapon recognised by Governments all the world over, and if any Government shows any apprehension any panicy state of affairs, when they hear the word 'strike', such a Government does not deserve the pretension of being called a civilized Government. I beg to submit that clause 15 and subsequent clauses are incorporated to fetter the right of the workers for indulging in strikes. The existence of those clauses can no longer be called to serve the interests of the public utility services. They are very pernicious and uncalled for and are infringing on the civil liberties of the public workers. As a matter of fact, if a strike is resorted to, then clause 16 will step in and declare that it is with an intent to inflict severe, general and prolonged hardship to the community. That clause has been amended by the British Indian Legislature recently. But no heed to that has been paid by this Legislature, nor has the Legal Rembembrancer taken any note of it by way of bringing in that amendment even at this stage of the Bill.

President: The honourable member will please remember that this House has considered the Bill after it was passed by another Legislature. The Legal Remembrancer has nothing to do with the bringing in of this Bill.

Mr. P. N. Krishna Pillai: Even then, I thought that to be on a par with the wholesome principle of labour legislation obtaining in British India, the Legal Remembrancer would acquaint Government with those facts and bring in amendments to that effect. That was all what I wanted to convey when I referred to the Legal Remembrancer. So then, under clause 16, it seems that strikes are being declared illegal on the ground that they are intended to cause severe, general and prolonged hardship on the community. According to the amendments suggested elsewhere, they provide for the redress of the grievances of the people who are engaged in strikes. Trade disputes are automatically referred to as per clause 3 of this Bill to a Board of Conciliation or a Court of Enquiry, if there is such a provision. According to clause 15 of the Bill, when there is a strike without the prescribed notice, there is a provision in the Government of

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India Act that intimation to that effect should be given to the Government of India when they may institute a Court of Enquiry. No remedy is sought to be given for the workers who have a genuine grievance. The Royal Commission on Labour has pointed out that the weakest point in the British Indian legislation is in regard to trade disputes and that is, while labour is prosecuted and his right infringed, no remedy is provided when he has a genuine grievance. Bearing that in mind as well as the various attempts that are being made by the Provincial Legislatures and the Central Legislature in British India, this Government has not tried to bring in remedial measures at the door of the workers. This Government has only to enact a measure which will be on a par with legislation elsewhere so far as this Bill is concerned. This Government has not tried to incorporate the latest amendments brought in by the Central Indian Legislature on the subject. Sir, you might have noticed that in the last week of April, the Bombay Government have gazetted a Bill for bringing about conciliation in trade disputes. It provides that when negotiations are going on between the employer and the employee, if the employer dismisses an employee that act becomes penal. There is no such provision in our Bill. Accordingly an employer can dismiss an emplyee without giving notice to that effect. Without assigning any reason an employee can be dismissed.

President: May I ask the member whether that Bill has been passed there?

Mr. P. N. Krishna Pillai: I said such a Bill has been gazetted. It will be coming up in the next session of the Bombay Legislature. As I submitted, there is a provision which says that an employee should not be dismissed when negotiations are going on between the employer and the employee. According to the provisions of the Bill under our Government, an employee can be dismissed without giving any adequate reason and therefore an employer is being protected. That clause works against the spirit of legislation obtaining elsewhere. Government are always anxious to protect the interests of the employer so much so his interests alone seem to be in the heart of Government. That is unfair for any Government. For the industrial progress of the country, as a matter of fact for any country, only one factor has to be considered. The labourers rights and privileges should be considered by Government. Their grievances should be taken into consideration and remedies provided for them. If nothing is done in that direction, no industrial progress can be achieved in this country. If the legitimate claims of the workers are ignored, if their legitimate ambitions and aspirations are discountenanced, the industrial progress of the country will be hit hard. We thought that the Bill was sponsored by Government after taking into consideration the

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genuine grievances of the workers. Now I find the Government had not reckoned the labour interest to any extent. The subsequent events have falsified our hopes. The Bill now brought up before the House only shows that it is in keeping with the subsequent policy pursued by Government. The interests of the employers alone are cared for. If the Government want to usher in an era of industrial prosperity the interest of labour should be adequately safeguarded. No industrial progress could be achieved any where on the face of the earth by suppressing the legitimate ambitions and aspirations of the labourers, or by suppressing "economic strike" so to say. Under the provisions of the bill, any reasonable strike can be declared illegal. Suppose the transport workers in Trivandrum and Kottayam want to declare a strike for nationalisation of the transport service. It is a strike in furtherance of something according to trade disputes. It comes within clause 16 of this Bill. If there is any interference in regard to severe, general and prolonged hardship upon the community, clause 16 will come into play. The genuine and bonafide grievances of the workers of trade unions are not considered at all. Their legitimate movements are suppressed. That is what is made out by this Bill in short. That is consistent with the policy of Government in catering only to the interests of the employers. By that means, the industrial prosperity of the country is destroyed. The legitimate claims of the workers are recognised by the Governments elsewhere and steps are being taken to redress those grievances. When this bill was under discussion on a previous occasion some honourable members pointed out that the labourers themselves had demanded this Bill. I submit some sort of machinery should be constituted for conciliation purposes. Such a machinery constituted according to this Bill is imperfect, inadequate and impracticable in working. The legislatures elsewhere are trying to amend the provision concerning the machinery for conciliation. However imperfect it might be, however inadequate it might be, we will accept it and work the Bill from clauses 1 to 14. As regards the subsequent clauses, no occasion has arisen in this country for bringing in penal provisions in the Bill. Clauses 17 and 18 are trying to nullify any attempt at maintaining the discipline under trade unions. If any member of the trade union disobeys the mandate of that union, then no disciplinary action can be taken against him under clause 18. As I submited earlier such a provision will stultify the growth or rise of trade unions which ought not to be the policy of Government.

President: Am I to understand that the honourable member has no objection to clauses 1 to 14 of the Bill and that he objects to clauses 15 to 18.

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Mr. Kottur Kunjukrishna Pillai : May I know whether the member opposed those clauses when they were put to vote of the House on a former occasion?

Mr. P. N. Krishna Pillai : I accept the clauses from 1 to 14. I did oppose the whole Bill. If the member had heard me properly, he would have noted it.

Clauses 15 to 18 of the Bill are aimed only at furthering the interests of the employer at the cost of the labourer. They are aimed at suppressing trade union movements in the State. It has become impossible to keep under disciplinary control members who disobeys the mandates of the various trade unions in the country. Recently this portion of the clause was amended in British India and I had given notice of such an amendment to this Bill. Had it not been for the technical objection raised by the ex-champion of the labour interest, Mr. Kottur Kunjukrishna Pillai, I would have moved it. Under that clause it is provided for the creation of Conciliation Officers. That provision has been recommended by the Royal Commission on Labour as well as by *ad hoe* committees. In England if we read the history of trade union disputes, we will find that the Governments there rely on permanent officers in the matter of Settlement of disputes. In the Central Indian Legislature, some attempt has been made in that direction, namely for creating an office towards conciliation purposes. I have also given notice of such amendments. But unfortunately that was ruled out on the ground that sufficient notice was not given. Without any Conciliation Officer being appointed *ad hoe* committees will be of no use and I do not know how the Bill is going to be worked. I may also submit in this connection that the conciliation machinery provided under this Bill is quite inadequate and imperfect. With regard to penal clauses there is absolutely no justification for that. Who is to decide whether a strike is calculated to inflict severe, general and prolonged injury to the community? What is the sort of prolonged injury? Is it an injury for a day or two days or three days? Which Magistrate is to decide that? Who is to decide that such and such a period of duration is calculated to inflict severe and prolonged injury? All these points are difficult for decision by any Magistrate. Then there comes in, what is the meaning to be given to "general injury". What are the tests by which general injury and a prolonged injury are to be decided? These points are very vague under the provisions of the Bill. Clause 16 in particular is vague. It has been found absolutely impossible for working it in British India. I may assure the Legal Remembrancer that various provisions under this Bill are not satisfactorily working in British India. Why is it that such changes as are sought to be made in British India is not proposed in our Bill? When the Governments

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all the world over are adopting such a wholesome provision, why is it that our Government are not in line with them? There is no object in putting clause 16 as it is in the Bill? It is not practical politics to put clause 16 into operation. Only a single case was launched by the Police in Bombay. It was because of that, that an amendment was brought up by the Bombay Legislature.

The Penal provisions of the Bill are alien and therefore unwanted and unnecessary. That is opposed to the spirit of the whole Bill. The conditions in the country do not desire such a change to be brought about. Therefore this House should throw out such a piece of legislation even at such a later stage. This is a Bill which is intended to benefit the employers only, and not the workers. It seems the interests of the employers are entrusted with Government. That being the case, this is a very mischievous piece of legislation, in so far as the Bill is aimed at benefitting the interests of employer at the expense of the employee. This is pernicious piece of legislation and no section of the public should be a party for passing such a legislation. It is a very mischievous piece of legislation capable of gross abuse at the hands of Government. Even at this belated stage, the Bill should be thrown out.

I would submit in this connection an additional ground for throwing out the Bill. We have accepted the wholesome principle that labour legislation in the State should be on a part with legislation in British India. If that is so, this piece of legislation is quite antiquated. Such a piece of legislation, which is not in keeping with modern amendments carried out in British India, ought not to find a place on our Statute book. We are to keep abreast of conditions obtaining elsewhere and incoporate the progress made there. There is absolutely no harm if this House rejects the Bill and brings in another that will be more acceptable, wholesome and conducive to the interests of the labourers as well as employers in this State.

There is absolutely no harm if we reject this Bill. This Government can appoint Conciliation Officers even without this Bill. The provisions of the Bill will be working great hardship on the labourers. We can bring in another Bill on the lines of the British Indian Legislation which has been amended by the Central Legislature and the other Provincial Legislatures.

Mr. Puthupalli S. Krishna Pillai: Does the honourable member know that Clause 16 still forms part of the British Indian Act?

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Mr. P. N. Krishna Pillai: I know that and more than that. I may Inform the House that no material amendment has, till now, been made in British India. I thought that I made that point clear before. It has been made out that Conciliation Officers are proposed to be appointed in the interest of labour and it was accepted by that House in that spirit.

With regard to Clause 16, I may say that there was an amendment made. As soon as the employer receives notice of a general strike he has to inform the Government of that notice and an opportunity is given to constitute a machinery to go into that question. That was the amendment that was made in Clause 15. An amendment was proposed in the Select Committee stage and it was dropped there because it was assured that it will be brought up again after ascertaining the views with regard to Clause 16.

With regard to Clause 18 (1), there is an important amendment that has been made by the British Indian Act. That is a very useful provision. If a Conciliation Officer is to be appointed, he can prevent trade disputes. The very protective way of tackling trade disputes is to prevent it and to nip it in the bud. It is to mediate and settle trade disputes that Conciliation Officers are appointed. I was wonderstruck to hear that no material amendment has been made by the British Indian Legislation. This very amendment to Clause 18 (*a*) is a material amendment as far as labour is concerned. I do not know why the Legal Remembrancer asked me why no material amendment has been made.

Mr. Puthupalli S. Krishna Pillai: I said, to Clause 16.

Mr. P. N. Krishna Pillai: With regard to Clause 16, I said the history of the Clause. I said that an amendment was proposed. That was brought at the Select Committee stage and if the honourable member will read the proceedings of the Central Legislature he will understand that that amendment has not been finally dropped but after opinion is gauged from every quarter the amendment will be brought forward. Section 16 is sought to be amended to provide some remedial measures when a general strike is declared. Here no remedial measure is given. That is a very serious defect and that serious defect is sought to be remedied by the British Indian Amendment in the Central Legislature. The honourable member said that Clause 16 in the original Bill is going to be materially amended. Provincial Legislatures are going to amend the contents of the provisions of Clause 16 in the Trade disputes Act. So all over British India there is an attempt to modify Clause 16, Clause 15 and all the Penal Clauses with regard to this piece of legislation. So what I submit is that let us also wait. We

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can afford to wait till British India brings in a Bill which will embody all the amendments. Government, when they introduced the Labour Legislation during the life-time of the last Assembly, accepted the policy that labour Legislation in Travancore should, as far as possible, be on a par with the legislation in British India. If that principle was once adopted, there is no reason why we should depart from it now. There is no grave situation that has arisen. There is no general strike threatened anywhere. There is no case of any hardship to community except due to the trouble that has been created by the indifferent policy that was pursued by the Government with regard to the demands made by labour. There is absolutely no occasion for this piece of legislation, this pernicious legislation which infringes on the liberties of labour.

President: The honourable member should not repeat it. He has used the expression once.

Mr. P. N. Krishna Pillai: Legislation in Indian States should be on a par with British India. There is absolutely no necessity for any hurry in passing this Bill. Besides, so many amendments are proposed in British India. As I submitted earlier, considering all these grounds, I would appeal to this House to throw out this piece of legislation which is said to be in the interests of labour and which labour says they do not want, which is said to be in the interest of the employer and which the employer says he does not want. Do the public or the Government want it? Who wants it? Nobody wants it. I can say that this piece of legislation is quite unwarranted, quite unjustified and not amenable to the spirit in which the labour movements work in this country. This will only embitter labour. It will embitter the feelings between employer and labour, between employer and Government and between every other section of the public. This will only prolong the agony of the trade dispute. That will be the only result of this legislation. I will say that any piece of penal legislation which is intended to infringe the civic liberties of labour will be of no avail. Why create an unnecessary situation in this country by passing a piece of legislation which is not at all necessary either in the interests of labour or of the employer? So I oppose this motion and say that this house should throw out this Bill even though it is at a late stage.

Mr Puthupally S. Krishna Pillai: Sir, it is a very difficult matter to make a speech on arguments based on immaginary grievances.

President: The honourable member will not go into the merits of the case.

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Mr. Puthupally S. Krishna Pillai: I am therefore compelled to face bare facts and facts alone in the speech which I propose to make in reply to the one made by the representative of labour. One point of attack was that this bill is an antiquated one because it still retains Clauses 15 and 16. Section 15 deals with sudden strikes and lock-outs in utility services. Section 16 deals with illegal strikes and lock-outs. These Sections of our Bill correspond to Sections 15 and 16 of the Trade Disputes Act now in force in British India. To begin with it has been stated that the Legal Remembrancer did not care to take note of all the amendments that have been passed in British India and the retention of those provisions will be a slur on the legislative instinct and reputation of this house. There must be a limit, even if he be a representative of the labour, to bluff.

Mr. Nedumangad R. Kesavan Nair: Sir, I rise to a point of order. I wish to know whether the word 'bluff' is parliamentary.

President: Certainly.

Mr. Puthupally S. Krishna Pillai: The honorable member representing labour said that the Legal Remembrancer, even though he was paid for it, did not look into the latest amendments in British India and bring them up before this house. I thought the member implied that Sections 15 and 16 in the British Indian Act have been repealed at the moment the member spoke. I have got the British Indian Act of 1938. I find that even in spite of what Mr. Clow said in the Legislative Assembly, Clauses 15 and 16 even today find a place in the Statute Book with but very insignificant amendments. I may state for the information of this house that the British Indian amendment Bill as it was introduced in the Indian Assembly was before the Select Committee of the Sri Mulam Assembly. Every Clause was discussed in the Select Committee and such of those proposed there which could be adopted here have been adopted, The present Trade Disputes Bill is modelled on the Act of 1929. It has incorporated most of the provisions of the Amending Act of 1938. He said that further amendments proposed in the Legislative Assembly have not been brought in this Bill.

Mr. P. N. Kishna Pillai: May I know whether amendment to Section 15 was adopted here?

Mr. Puthupally S. Krishna Pillai: Yes, to the extent to which we could. It is not the case, as was said, that Clauses 15 and 16 have been repealed by British Indian Legislatures. Clause 16 which deals with illegal strikes and lock-outs appears to have been amended to this extent. "A strike or lock-out shall be illegal

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[Mr. Puthupally S. Krishna Pillai.]

which has any object other than the furtherence of a trade dispute .....". For the words "other than" they have adopted the words "in addition to". That is one notable amendment made in British India. In Sub Clause (b) we have the words "is disigned or calculated to inflict severe, general and prolonged hardships". They have the words "general and prolonged." In that respect our Clause will be more advantageous to labour. We have insisted upon further conditions. "Inflict, severe, general and prolonged." These are the three conditions that have to be established before Clause 3 is to be made applicable. In British India they have put in the words "general and prolonged." So our Bill is more advantageous to labour than the British Indian Trade Disputes Act.

Now, when a member says that various amendments have been made in British India, I thought that the amendments were really made. But when questioned, the member said that those amendments were proposed. Sir, I may ask, what is the use of proposals if those amendments were not accepted. Sir, proposals were made and here discussed and finally rejected.

Now let us deal with the other points urged by the honourable member who represents labour. The honourable member says that he agrees to the principle contained in clauses 1 to 14. And he has no objection to those clauses. But clauses 15 and 16 which are objected to so much by the honourable member are still law in Brit sh India. Therefore, what is good for British India to borrowthe honourable member's opinion may be good here also. Another objection of the honourable member is that clause 18 A of the British Indian Enactment has not been adopted here. That section in the British Indian enactment relates to the appointment of conciliation officers. But our Bill deals only with the power of appointing courts of conciliation and boards of conciliation and not conciliation officers. We have here prescribed the court or the body by which trade disputes can be settled. They are the conciliation boards and the conciliation courts. The honourable member says that he wants a conciliation officer. He complains that his amendment to this tclause to this effect was rejected and therefore he could not move it. But wha I would say is that even if it were accepted he could not have moved it because the powers of this Legislature in certain respects are more restricted than the powers of the Indian Legislative Assembly. Here the member brings up a proposal to make a provision that conciliation officers may be appointed. Now, it is a motion if accepted would create further charges on the revenues of the state.

President: Even in British India it could not be moved except with the consent of the Governor-General.

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Mr. Puthupally S. Kishna Pillai: Sir, if the honourable member had read more carefully the standing orders and the rules of this Assembly he would have been in a better position to understand that this amendment could not be moved except with the sanction of the Dewan, because it is an amendment which creates further charges on the revenues of the State. It is about 8 years since the enactment was passed in British India. Considering the number of industries that are in existence and the number of labourers employed in the industrial concerns in British India, permanent conciliation officers may be necessary there in order that they might have further opportunities for supervising the general conditions of labour and to inquire into the general causes of trade disputes and if possible to prevent such disputes. Sir, I ask, is it not a luxury to copy such institutions in this State. Before such provisions are made we should be satisfied whether such provisions are necessary in our state. I think, Sir, that under the present circumstances such a provision will be a large drain on the sources of the revenue of the State. And there must be a necessity made out for such a provision. But, here we have provided two institutions and let us see how they work, Sir, the Factories Legislation is coming into existence and a large number of factories are to come under that Regulation. And that Regulation requires that a permanent Inspector should be appointed to supervise the operations under the Regulation. He would probably see that sufficient restraint is put on labour leaders making firey speeches.

Sir, I am speaking of the work of the conciliation officers. As matters stand at present the provision contained in the Bill must be treated ample to meet the present situation. When our industries have further developed and when the situation changes, the House will be competent, even without regardto what the Honourable Member Mr. Clow has said in the Legislative Assembly, to adopt any suitable amendment brought foward by any honourable member provided it come plies with the rules and standing orders of this House. Therefor the honourable member should not think that because a similar provision has been proposed to be adopted in Bombay or Madras recently we must follow them or that we must make our laws on the same lines of what is obtained in the United States of America or England. We are only concerned with what is wanted at present here. And I hope that what is provided in the present Bill will be sufficient to meet the present demands.

The question that the Bill be passed was put to vote and carried.

Mr. P. N. Krishna Pillai: Sir, I demand a poll. A poll was taken and the House divided as follows:

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[Mr. P. N. Krishna Pillai.]

AYES—24.

1	Mr. M. K. Ananthasiva Aiyar	11	Mr. T. Mahomed Ismail
2	„ V. S. Arumugham Pillai	12	„ P. I. Simon
3	„ A. Easwara Pillai	13	„ C. N. Thuppan Namboodiri
4	„ P. R. Godavarma Raja	14	„ Kallur Narayana Pillai
5	„ M. Govindan	15	„ C. O. Madhavan
6	„ Eric Hall	16	„ M. Govinda Pillai
7	„ Miss Hepzibah Gnanasikhamony	17	„ K. J. Cherian
8	„ James Fletcher	18	„ R. Krishnaswamy Rao
9.	„ Padiyara Joseph Kunju	19	„ M. Ramachandra Rao
10	„ Kottur Kunjukrishna Pillai	20	„ Puthupally S. Krishna Pillai
		21	„ K. Madhava Kurup
		22	„ A. Gopala Menon
		23	„ P. Parameswaran Pillai
		24	„ K. R. Narayana Aiyar.

NOES—8.

1	Mr. M. S. Anirudhan	5	Mr. T. K. Kittan
2	„ Kochikal P. Balakrishnan Tampi	6	„ K. M. Korah
3	„ N. V. Chacko	7	„ K. K. Kuruvilla
4	„ Nedumangad R. Kesavan Nair	7.	„ R. V. Thomas.

NEUTRALS—3.

1	Sahib Bahadur Sultan Mohideen	3	Sahib Bahadur Abdul Tayeb Shaikh Kaderbhoy.
2	Mr. K. R. Elenkath		

The Bill was passed.

THE TRAVANCORE FACTORIES BILL.

Mr. Puthupally S. Krishna Pillai: Sir, I beg to move that the Factories Bill as passed by the Travancore Sri Mulam Assembly be taken up for consideration.

Mr. K Madava Kurup: I second the motion.

Mr. Puthuplaly S. Krishna Pillai: Sir, I have only a few words to state in support of the motion that I have made. This Bill was published in the year 1935 and introduced in the Legislative Assembly soon after The Bill was being considered by the Select Committee for some time, the Select Committee made certain changes in the Bill and it was discussed at great length in the Assembly. I can assure the honourable members that the Bill as passed by the Assembly has adopted the main principles and the main provisions of the Factories Act of 1935.

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